

# Call Dry Enforcement Most Perplexing Problem in History

Commentator Sees Biggest Factor Almost Ignored, Namely, the Need of a Strong Public Sentiment Back of Enforcement.

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WASHINGTON. (CPA)—After reading the recommendation and report of the National Commission on Law Observance and Enforcement together with the comments of the President, the Secretary of the Treasury and the Attorney-General, wets and dries are ready to concede that prohibition is the most perplexing problem of law administration the Federal Government has ever faced.

The Commission purposely avoided a discussion of the merits of prohibition itself, merely recording the differences of opinion that exist as to its value and the divergent attitudes that individual citizens take toward law observance. The recommendations with respect to administration are complicated enough to reflect the enormous problem the Federal Government has had in getting convictions and detecting violations. There is hardly any opposition to the legislative changes recommended, but it is recognized also that as enforcement becomes more vigorous the number of arrests will increase and the congestion in the courts will not be diminished.

Even granting also sufficient machinery for enforcement, the dries have put their finger on a central weakness

in the structure, namely, the type of personnel selected and the influences of politics. All this is apart from the insufficient help that has come from the states. While it is true that there are avowedly wet states which are indifferent to enforcement, there are plenty of dry states which have literally "passed the buck" to the Federal Government, preferring to confine their attention to the administration of other laws and the detection of other crimes.

Virtually everyone who took a disinterested view of the Commission's report and recommendation admitted that the Commission had done a constructive job in the limited time at its disposal and that improvement would result if its recommendations were adopted, but the biggest single factor in the prohibition problem was almost entirely ignored; namely, the need of a strong public sentiment back of enforcement. The experience of the Federal Government in enforcing prohibition has been that the patronizing of bootleggers has made the traffic in liquor worthwhile and has given it the greatest encouragement.

In one paragraph alone does the commission touch on this phase of the problem, when it says:

"It is impossible wholly to set off observance of the prohibition act from the large question of the views and habits of the American people with respect to private judgment as to statutes and regulations affecting their conduct. To reach conclusions of any value we must go into deep questions of public opinion and the criminal law—we must note the attitude of the pioneer toward such things. We must bear in mind the Puritan's objection to administration, the Whig tradition of a 'right of revolution,' the conception of natural rights, classical in our policy, the Democratic tradition of individual participation in sovereignty, etc."

Unquestionably this preamble will furnish much food for discussion by wets and dries. It does not attempt to settle the question of how the individual regards the prohibition laws but it does set forth the fundamental issue. President Hoover has appealed to the American people in an effort to develop a sentiment for law enforcement and observance but there is little indication that the wet states or many individuals of "wet" habits have been affected. The social as well as the economic life of the country has been influenced by prohibition and in the 10 years that the laws have been in effect it is apparent that the controversy over their scope is growing more intense each year.

The dries under the leadership of Senator Borah have argued that enforcement machinery was inefficient. The President has countered with recommendations requiring Congressional action. Meanwhile hope has been dimmed that a national commission would formulate a set of principles as to the wisdom, as well as the effect, of prohibition on the national life of the country.

There is no indication that the commission will discuss the merits of the eighteenth amendment but will confine itself to a study of how it as well as the prohibition laws can be freed from loopholes and administrative machinery strengthened.

not exaggerated, for the Government has